

R590. Insurance, Administration.

R590-247. Universal Health Insurance Application Rule.

R590-247-1. Authority.

This rule is promulgated pursuant to Subsections 31A-22-635 and 31A-30-102 which direct the commissioner to create a universal health insurance application.

R590-247-2. Purpose and Scope.

(1) The purpose of this rule is to establish universal applications for all insurers offering a health benefit plan in Utah outside the Federally Facilitated Marketplace.

(2) This rule applies to:

(a) all [insurers offering an] individual [or small employer] health benefit plans in Utah outside the Federally Facilitated Marketplace; and

(b) all small employer health benefit plans.

R590-247-3. General Instructions.

(1) Use of the Utah Individual Health Insurance Application and the Utah Small Employer Health Insurance Application by insurers or by health insurance producers is mandatory.

(2) The Utah Individual Health Insurance Application and Utah Small Employer Health Insurance Application must be used without insurer identifying logos or addresses to facilitate multiple insurer submissions using a single application.

(3) The Utah Individual Health Insurance Application and Utah Small Employer Health Insurance Application can be downloaded from the Department's website at www.insurance.utah.gov.

(4) The Utah Individual Health Insurance Application and Utah Small Employer Health Insurance Application may ~~[only]~~ be altered for:

(a) purposes of electronic application and submission, including electronic signature disclaimers;

(b) languages other than English; and

(c) reasons specifically approved by the commissioner.

~~(5) [The use of the Utah Individual Health Insurance Application and the Utah Small Employer Health Insurance Application does not limit the ability of an insurer to obtain additional information for underwriting purposes.~~

~~(6)] Section ~~H~~F, Producer Agreement and Compensation Disclosure section o[~~n~~]f the Utah Individual Health Insurance Application, must include all information to be disclosed as required by Section 31A-23a-501.~~

~~[(7) Question number 40 on the Utah Individual Health Insurance Application and Utah Small Employer Health Insurance Application may not be used for purposes of Sections 31A-8-402.3, 31A-8-402.5, 31A-21-105, 31A-22-721, 31A-30-107, 31A-30-107.1, or R590-247-3(5), unless the information was disclosed or should have been disclosed in another question on the application.~~

~~(8) No later than July 1, 2010,~~ (6) [a] All insurers shall offer compatible systems for electronic submission of the Utah Individual Health Insurance Application and the Utah Small Employer Health Insurance Application.

~~([9]7) [Effective March 22, 2010, i]~~ If an employee chooses to waive coverage, an insurer shall not require such employee to complete any section of the Utah Small Employer Health Insurance Application other than ~~[sections A, B, D, E, questions 1 and 2 of section C, and]~~ the Waiver of Coverage section.

~~([10]8)~~ (a) (i) Individual health insurers shall use the Utah Individual Insurance Application dated October 2010 for all applications with coverage effective dates prior to January 1, 2014.

(ii) Individual health insurers shall use the Utah Individual Health Insurance Application dated January 2014 for all applications with coverage effective dates on or after January 1, 2014 for coverage outside of the Federally Facilitated Marketplace.

~~(b) (i) [Starting October 1, 2010, s]~~ Small employer insurers shall use the Utah Small Employer Health Insurance Application dated October 2010 for all applications with coverage effective dates prior to January 1, 2014.

(ii) Small employer insurers shall use the Utah Small Employer Health Insurance Application dated January 2014 for all applications with coverage effective dates on or after January 1, 2014.

R590-247-4. Penalties.

A person found to be in violation of this rule shall be subject to penalties as provided under 31A-2-308.

R590-247-5. ~~[Enforcement Date.~~

~~The commissioner will begin enforcing this rule 45 days from the rule's effective date.~~

R590-247-6. ~~]~~ Severability.

If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: universal health insurance application

Date of Enactment or Last Substantive Amendment: ~~[July 15, 2010]~~ 2013

Authorizing, and Implemented or Interpreted Law: 31A-30-102